

**FIFTH DAY.**

(Tuesday, January 19, 1937.)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

**Oath of Office Administered.**

Senator-elect Albert Stone took the constitutional oath of office, which was administered to him by the President.

**Roll Call.**

The roll was called, and the following Senators were present:

Aikin.	Pace.
Beck.	Rawlings.
Brownlee.	Redditt.
Burns.	Roberts.
Cotten.	Shivers.
Davis.	Small.
Head.	Spears.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.
Newton.	

The following Senators were absent and excused:

Collie. Oneal.

A quorum was announced present.

The invocation was offered by the Chaplain.

The reading of the Journal of the proceedings of yesterday was dispensed with, on motion of Senator Aikin.

**Leaves of Absence Granted.**

Senator Collie was granted leave of absence for today, on account of illness, on motion of Senator Woodruff.

Senator Oneal was granted leave of absence until next Monday, on account of important business, on motion of Senator Lemens.

**Senate Bills on First Reading.**

The following Senate bills were introduced, read severally first time, and referred by the President to appropriate committees, as follows:

By Senator Davis:

S. B. No. 78, A bill to be entitled "An Act amending Article 4667 of

the Revised Civil Statutes of the State of Texas, Revision of 1925, so as to provide and enjoin duties upon the district attorney, county attorney and Attorney General, defining reliable information and providing a penalty for the district attorney, county attorney or Attorney General for a failure to perform duties enjoined upon him by Article 4666 and Article 4667, statutes of the State of Texas, Revision of 1925."

Referred to Committee on Criminal Jurisprudence.

By Senator Davis:

S. B. No. 79, A bill to be entitled "An Act amending Chapter 6 of Title 11, Penal Code of Texas, 1925, by adding thereto Articles 649a, 649b and 649c, so as to increase the State's penalties and remedies against telegraph and telephone companies for aiding or assisting in pool selling or book-making schemes or in placing bets on horse races, and prescribing additional penalties and remedies against owners, agents or lessees of property permitted to be used as a place for selling pools or book-making or wagering on horse races; amending Article 650 of the Penal Code so as to increase the penalties for violations of the laws prohibiting betting or wagering on horse races and pool selling or book-making; and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Senator Davis:

S. B. No. 80, A bill to be entitled "An Act authorizing and empowering all water improvement districts created and organized under Chapter 2 of Title 128, Revised Civil Statutes of Texas, to levy, assess and collect an annual tax not to exceed twenty (20) cents on taxable properties situated in the boundaries of such districts, provided such districts have sold sufficient of its bonds to pay for the obtaining and have obtained by the erection of a dam or dams or otherwise its water supply needed for the purpose of its creation, and have exhausted the moneys obtained from such bond sales, and are unable to obtain revenues for necessary repairs to its properties and to maintain and protect same and to meet any reasonable or necessary contingent or legal expense incurred in

behalf of such districts; and to validate all taxes for all of said purposes levied or assessed by any water improvement district since the year 1931, when levied and assessed under such circumstances; but providing that the authority to raise such fund by taxation to meet such expense shall cease when available funds for such purposes are otherwise reasonably obtainable; and declaring an emergency."

Referred to Committee on State Affairs.

By Senators Hill, Sulak, Westfeld, Neal, Newton, Shivers, Beck, Spears, Davis, Isbell, Roberts, Head, Cotten, Holbrook, Weinert, Aikin, Van Zandt, Winfield, Brownlee, Oneal, Burns and Stone:

S. B. No. 81, A bill to be entitled "An Act declaring all fraternal benefit societies, organized or licensed under the provisions of Chapter 8, of Title 78, of the Revised Civil Statutes of Texas, to be charitable or benevolent institutions and exempting the funds of all such fraternal benefit societies from all and every State, county, district, municipal and school tax, including occupation taxes, other than taxes on real estate and office equipment when same is used for other than lodge purposes; and declaring an emergency."

(Submitted by Senator Sulak for first reading and reference to committee.)

Referred to Committee on State Affairs.

#### Message From the House.

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, Jan. 18, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

S. C. R. No. 8, Authorizing the State Highway Department to lend certain road equipment to the County of Morris.

H. C. R. No. 7, Reserving parking space for the members of the House and Senate in the Capitol grounds.

H. C. R. No. 8, Providing for a joint session of the House and Senate to inaugurate the Governor and Lieutenant Governor of Texas.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### House Concurrent Resolution No. 8.

The President laid before the Senate the following resolution, received from the House today:

H. C. R. No. 8, Providing for a joint session of the House and Senate to inaugurate the Governor and Lieutenant Governor of Texas.

The resolution was read.

On motion of Senator Brownlee and by unanimous consent, the rule requiring resolutions to be referred to a committee was suspended to permit consideration of the resolution by the Senate at this time.

The resolution was then adopted.

#### House Concurrent Resolution No. 7.

The President laid before the Senate the following resolution, received from the House today:

H. C. R. No. 7, Resolving parking space for the members of the House and Senate in the Capitol grounds.

The resolution was read and was referred by the President to the Committee on State Affairs.

On motion of Senator Holbrook and by unanimous consent, the resolution was recalled from the Committee on State Affairs and the rule requiring resolutions to be referred to a committee was suspended to permit consideration of the resolution at this time.

Senator Cotten offered the following amendment to the resolution:

Amend the resolution by adding the following:

And that 20 additional spaces, or as many thereof as may be needed, be included for the accommodation of the newspaper correspondents actively reporting legislative sessions and whose cars are necessary to their work.

The amendment was adopted.

Question—Shall the resolution as amended be adopted?

Yeas and nays were demanded, and the resolution as amended was adopted by the following vote:

## Yeas—16.

Burns.	Redditt.
Cotten.	Roberts.
Holbrook.	Spears.
Moore.	Stone.
Nelson.	Van Zandt.
Newton.	Weinert.
Pace.	Westerfeld.
Rawlings.	Winfield.

## Nays—10.

Aikin.	Isbell.
Brownlee.	Lemens.
Davis.	Neal.
Head.	Sulak.
Hill.	Woodruff.

## Absent.

Beck.	Small.
Shivers.	

## Absent—Excused.

Collie.	Oneal.
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## Senate Resolution No. 9.

Senator Cotten offered the following resolution:

Whereas, There has been established by the United States Department of Agriculture several regional institutions for scientific research relating to various agricultural products, and

Whereas, There will be government funds available for the establishment of other such agricultural research institutions, and

Whereas, It is of paramount importance to the interests of the South's greatest agricultural enterprise that such a program of research be instituted for the primary purpose of finding new industrial uses for cotton and cotton by-products, and

Whereas, A resolution was passed by the Southern Chemurgic Conference assembled in Lafayette, Louisiana, on the 16th day of October, 1936, that the United States Department of Agriculture be requested to immediately institute a thorough investigation and comprehensive survey having for its definite objective the establishment, at as early a date as possible, a cotton research institute in the southern cotton belt.

Be it Resolved by the Senate of the State of Texas, That the Department of Agriculture be urged to establish a cotton research institute

as a central laboratory, empowered to pursue and supervise experimental programs of research throughout the southern cotton belt, and to collate and correlate the findings of all such experiments and developments.

On motion of Senator Cotten, a full reading of the resolution was omitted.

The President referred the resolution to the Committee on Agriculture.

## Senate Resolution No. 10.

Senator Van Zandt offered the following resolution:

Whereas, On October 26th, 1935, God blessed the home of our distinguished new member, the Hon. Vernon Lemens and his good wife, with a bouncing baby boy; and

Whereas, The Senator was for eight years a member of the House of Representatives, and attributes much of the success of his promotion to the Senate, to the added strength and inspiration of this blessing from the Almighty; therefore be it

Resolved by the Senate of the Forty-fifth Legislature of Texas:

Near the end of the year '35  
The Stork brought an Olive Branch?  
Well, maybe so, but it happens to be  
A Lemens, you know.

And the dear little baby boy  
'Rived just in good time  
To help his dad pass,  
From out of the maze of House Legislation  
Into the field of Senate Creation.

To the Junior, all honor,  
Our dear little Vernon.

We welcome you now,  
Right into our midst,  
Our Mascot we name you,  
And still we insist,

That some day, perhaps,  
In the chair, right up yonder,  
The gavel you'll wield,  
And cause men to wonder.

[Jingle written by T. H. Bell, Senate Librarian.]

(Signed) Van Zandt, Aikin, Davis, Roberts, Sulak, Moore, Beck.

The resolution was read.

On motion of Senator Van Zandt and by unanimous consent, the rule

of the Senate requiring resolutions to be referred to committee was suspended to permit consideration of the resolution at this time.

The resolution was then adopted.

#### Senate Concurrent Resolution No. 9.

Senator Newton offered the following resolution:

S. C. R. No. 9, Granting the Master Petroleum Company, a corporation, and/or Floyd Casey, R. V. McClain and S. J. T. Smith, all of the stockholders in said corporation, to bring suit against the State of Texas.

The resolution was read and was referred by the President to the Committee on State Affairs.

#### At Ease.

On motion of Senator Beck, the Senate, at 11:10 o'clock a. m., stood at ease to 11:30 o'clock a. m. today.

The Senate was called to order at 11:30 o'clock a. m. by President Pro Tempore Pace.

#### Joint Session.

The President Pro Tempore announced that the hour heretofore fixed for a joint session of the Senate and House of Representatives to inaugurate the Governor-elect and Lieutenant Governor-elect had arrived, and requested the Senators to repair in a body to the Hall of the House.

#### Inauguration of Governor and Lieutenant Governor.

The Honorable Senators, escorted by the Sergeant-at-Arms of the Senate, A. W. Holt, and the Secretary of the Senate, Bob Barker, advanced into the Hall and, by direction of Hon. Homer Leonard, in the Speaker's chair temporarily, occupied seats prepared for them along the aisle.

President Pro Tempore Will D. Pace, by invitation of Mr. Leonard, occupied a seat on the Speaker's stand.

The President Pro Tempore directed the Secretary of the Senate to call the roll.

The roll of the Senate was called, and the following Senators answered to their names:

Aikin.	Burns.
Beck.	Cotten.
Brownlee.	Davis.

Head.	Roberts.
Hill.	Shivers.
Holbrook.	Small.
Isbell.	Spears.
Lemens.	Stone.
Moore.	Sulak.
Neal.	Van Zandt.
Nelson.	Weinert.
Newton.	Westerfeld.
Pace.	Winfield.
Rawlings.	Woodruff.
Redditt.	

The following Senators were absent and excused:

Collie.	Oneal.
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The President Pro Tempore announced a quorum of the Senate present.

Hon. Homer Leonard directed the Reading Clerk of the House to call the roll of the House.

The roll of the House was called and a quorum was announced present.

Hon. Homer Leonard announced that the two houses were in joint session to inaugurate the Governor-elect and Lieutenant Governor-elect.

The Governor-elect and Lieutenant Governor-elect and their official inaugural party were announced at the bar of the House and were admitted.

The Governor-elect, Hon. James V. Allred, and Mrs. Allred; the Lieutenant Governor-elect, Hon. Walter F. Woodul, and Mrs. Woodul; Associate Justice John H. Sharp of the Supreme Court; Hon. Pat M. Neff; Father William Blakeslee; Hon. Robert W. Calvert, Speaker of the House; and other members of the inaugural party, were escorted to the speaker's stand by Senators Brownlee, Beck, Cotten and Moore, and Messrs. Knetsch, McFarland, Felty, Cleveland and Metcalfe, the joint committee of the Senate and House to arrange for the inauguration.

Hon. Robert W. Calvert, Speaker of the House, resumed the Speaker's chair and called the House to order.

Hon. Will D. Pace, President Pro Tempore, called the Senate to order.

Father William Blakeslee, at the invitation of the Speaker, delivered the invocation.

Hon. Walter F. Woodul, Lieutenant Governor-elect, at the request of the Speaker of the House, then came forward and took the constitutional

oath of office, which was administered to him by Associate Justice John H. Sharp of the Supreme Court; and he also affixed his signature to the official oath, Justice Sharp attesting same with the great seal of the Commonwealth of Texas.

The Speaker of the House presented Hon. Will D. Pace, President Pro Tempore of the Senate, who in turn presented Hon. Walter F. Woodul to the joint session and the assemblage.

Lieutenant Governor Woodul then addressed the joint session and the assemblage.

Hon. James V. Allred, Governor-elect, at the request of the President Pro Tempore of the Senate, came forward and took the constitutional oath of office, which was administered to him by Associate Justice John H. Sharp; and he also affixed his signature to the official oath, Justice Sharp attesting same with the great seal of the Commonwealth of Texas.

The President Pro Tempore of the Senate presented Hon. Pat M. Neff, who in turn presented Hon. James V. Allred to the joint session and the assemblage.

Governor Allred then addressed the joint session and the assemblage.

The President Pro Tempore of the Senate announced that the business of the joint session had been concluded; and the Senate, at 12:30 o'clock p. m., repaired to the Senate Chamber.

#### In the Senate.

The Senate was called to order by the President Pro Tempore.

#### Adjournment.

On motion of Senator Rawlings, the Senate, at 12:45 o'clock p. m., adjourned until 2:00 o'clock p. m. tomorrow.

#### APPENDIX.

##### Reports of Standing Committees.

Committee Room,  
Austin, Texas, Jan. 18, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 72 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

##### Committee Room.

Austin, Texas, Jan. 18, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 5 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

#### SIXTH DAY.

(Wednesday, January 20, 1937.)

The Senate met at 2:00 o'clock p. m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called, and the following Senators were present:

Aikin.	Newton.
Brownlee.	Pace.
Burns.	Rawlings.
Cotten.	Redditt.
Davis.	Roberts.
Head.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.

The following Senators were absent and excused:

Beck.	Spears.
Collie.	Woodruff.
Oneal.	

The invocation was offered by the Chaplain.

The reading of the Journal of the proceedings of yesterday was dispensed with, on motion of Senator Aikin.

#### Leaves of Absence Granted.

Senator Beck was granted leave of absence for today, on account of illness, on motion of Senator Burns.

Senator Woodruff was granted leave of absence for today and the remainder of the week on account of important business, on motion of Senator Isbell.

Senator Spears was granted leave of absence for today, on account of important business, on motion of Senator Aikin.